

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

LELDON RAY BEMENT

v.

JAMES BRADSHAW, *et al.*

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CIVIL ACTION NO. 6:15cv391

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case, has been presented for consideration. The Report and Recommendation (ECF 27) recommends that Defendant Echols' Motion to Dismiss Under Rules 12(b)(1) and 12(b)(6) (ECF 15), Defendant City of Canton's Motion to Dismiss Under Rules 12(b)(1) and 12(b)(6) (ECF 16) and James Bradshaw's Second Motion & Brief to Dismiss Plaintiff's First Amended Complaint (ECF 24) be granted and that the complaint be dismissed with prejudice as time-barred. Plaintiff filed written objections to the Report and Recommendation on January 17, 2016 (ECF 29).

Having made a *de novo* review of the written objections filed by Plaintiff, the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. It is therefore

ORDERED that Defendant Echols' Motion to Dismiss Under Rules 12(b)(1) and 12(b)(6) (ECF 15), Defendant City of Canton's Motion to Dismiss Under Rules 12(b)(1) and 12(b)(6) (ECF 16) and James Bradshaw's Second Motion & Brief to Dismiss Plaintiff's First

Amended Complaint (ECF 24) are **GRANTED**. The complaint is **DISMISSED WITH PREJUDICE** as time-barred.

All motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 21st day of January, 2016.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE